

REMARKS

The Applicant originally submitted Claims 1-35 in the application. In previous responses, the Applicant canceled Claims 1-28 and 30-33 without prejudice or disclaimer, and added Claims 36-40. In the present response, no claims have been amended, canceled, or added. Accordingly, Claims 29 and 34-40 are currently pending in the application.

Previously, the Examiner indicated Claims 29 and 35-40 were allowed. In the present Office Action, however, the Examiner has withdrawn the allowability of Claims 29 and 35-40. As argued below, the Applicant believes all of the pending Claims are in condition for allowance.

I. Rejection of Claims 29, 35-37, and 40 under 35 U.S.C. §102

The Examiner has rejected Claims 29, 35-37 and 40 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,525,623 to Sridharan, *et al.* ("Sridharan"). The Applicant respectfully submits that Sridharan, as applied by the Examiner, does not teach all of the elements recited in independent Claim 29. For instance, Sridharan does not teach a dielectric layer having opposing first and second major surfaces, the first surface being free from a semiconductor substrate as recited in Claim 29.

Rather, Sridharan discloses a four-way splitter that has a top 203, middle, 208, and bottom layer 212. (*See, e.g.*, Sridharan column 9, lines 43-46 and Figure 9.) As such, Sridharan, as applied by the Examiner, does not teach a dielectric layer having opposing first and second major surfaces, the first surface being free from a semiconductor substrate as recited in independent Claim 29 and, therefore, does not anticipate independent Claim 29 or Claims that depend thereon.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102(e) rejection of Claims 29, 35-37, and 40 and allow issuance thereof.

II. Rejection of Claims 34 and 38-39 under 35 U.S.C. §103

The Examiner has rejected Claim 34 under 35 U.S.C. §103(a) as being unpatentable over Sridharan in view of U.S. Patent No. 4,482,445 to Fjelstad. ("Fjelstad"). The Examiner has rejected Claims 38 and 39 under 35 U.S.C. §103(a) as being unpatentable over Sridharan in view of U.S. Patent 5,269,880 to Jolly, *et al.* ("Jolly"). The Applicant respectfully disagrees.

As established above, Sridharan, as applied by the Examiner, does not anticipate independent Claim 29. Furthermore, Sridharan does not suggest the same. Sridharan relates to a multi-layer microwave circuit including first and second transmission lines arranged in a vertically stacked relationship. (*See, e.g.*, Sridharan column 2, lines 44-46.) To implement first and second transmission lines, multiple dielectric layers are necessary. As such, a single dielectric layer, as presently claimed, would frustrate operation of the multi-layer microwave circuit of Sridharan and, as such, it would not have been obvious to one of ordinary skill in the art at the time of the invention to use the presently claimed single dielectric layer in Sridharan. Thus, Sridharan, as applied by the Examiner, does not establish a *prima facie* case of obviousness of independent Claim 29 and Claims that depend thereon.

The Examiner has not cited Fjelstad or Jolly to cure the deficiency of Sridharan, but rather, to teach the subject matter of the above cited dependent claims. (*See Examiner's Action* electronically delivered April 25, 2007, pages 4-5.) Thus, the Examiner's combination of Sridharan with either Fjelstad or Jolly does not establish a *prima facie* case of obviousness of independent Claim 29 and Claims that depend thereon.

Moreover, concerning the rejection of Claim 34, as previously argued in the response filed November 6, 2006, Fjelstad as applied by the Examiner, fails to teach or suggest dielectric layer having a plurality of openings, where each opening has respective rounded over edges adjacent first and second major surfaces of the dielectric layer, as recited in Claim 34. Rather, the section of Fjelstad (Column 3, Lines 51-60) relied on by the Examiner discloses a metal cladding having smooth rounded hole edges, not a dielectric layer having openings with rounded over edges.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 29, and its dependent claims under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner to withdraw these rejections.

III. Conclusion

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 29, 34-40. It is not believed that any fees are due regarding this matter; however, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in cursive script, appearing to read "Ronald J. Corbett", is written over a horizontal line.

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Dated: August 6, 2007
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